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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 ROBERT G. JUNGERS, an individual and on  
12 behalf of all others similarly situated,

13 Plaintiff,

14 vs.

15 U.S. BORAX INC., a Delaware corporation;  
16 RIO TINTO AMERICA INC., a Delaware  
17 corporation; RIO TINTO SERVICES INC., a  
18 Delaware corporation; AMANDA SMITH, an  
19 individual; and DOES 1 through 100,  
20 inclusive,

21 Defendants.

Case No. 1:21-cv-00400-NONE-JLT

**[PROPOSED] ORDER APPROVING IN  
PART JOINT STIPULATION TO  
MEDIATE CASE AND STAY COURT  
PROCEEDINGS**

(Doc. 7)

22 The Court, having reviewed and considered the parties' Joint Stipulation To Mediate Case  
23 And Stay Court Proceedings, **ORDERS:**

24 1. The Parties shall participate in a private mediation before Mediator Lynn Frank on  
25 October 12, 2021; and

26 2. This matter shall be stayed in its entirety pending completion of the mediation;

27 3. At least 30 days before mediation, the Parties shall informally exchange time and  
28 pay records for all or a representative sampling of putative class members, all collective  
bargaining agreements in existence during the Class Period, and exemplars of any written meal  
period waivers or arbitration agreements, to the extent they exist;

4. Within ten days after the completion of mediation, the parties SHALL file a joint report detailing the status of the matter and whether the stay should be lifted;

5. The Court notes that the parties wish to extend the deadline for the plaintiff to move to remand the action to November 12, 2021 and that the defense will not assert the motion is untimely. The Court declines to adopt these deadlines because it is not certain the stay will be lifted by that time.

6. The parties have agreed also that the plaintiff will not seek an entry of default unless the defendants fail to file a responsive pleading within 30 days of the Court's ruling on the anticipated motion to remand and recognize that the delay in filing the responsive pleading is not a waiver of any defenses. Once again, while recognizing the parties' agreement, the Court declines to issue any order in this regard for various reasons, including that no motion to remand has been filed.

IT IS SO ORDERED.

Dated: March 18, 2021

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE